

1 **LANG & KLAIN, P.C.**

8767 E. VIA DE COMMERCIO, SUITE 102

2 SCOTTSDALE, ARIZONA 85258

TELEPHONE (480) 947-1911

3 *Please e-serve filings on:*

Filing@lang-klain.com

4 MICHAEL W. THAL, #023843

5 mthal@lang-klain.com (not for e-service)

LORI A. GUNER, #031646

6 lguner@lang-klain.com (not for e-service)

7 *Attorneys for Exceptional Floor Covering, Inc.*

8  
9 **IN THE UNITED STATES BANKRUPTCY COURT**  
10 **IN AND FOR THE DISTRICT OF ARIZONA**

11 In re:

12 JEFFERY MILLER and JENNIFER  
13 MILLER, husband and wife;

14 Debtors.

Chapter: 7

Case No. 2:17-bk-09097-MCW

Adv. No.: 2:17-ap-00717

15 **NOTICE OF LODGING DEFAULT**  
16 **JUDGMENT RE: NON-**  
17 **DISCHARGEABILITY**

18 EXCEPTIONAL FLOOR COVERING,  
19 INC., an Arizona corporation,

20 Plaintiff,

21 v.

22 JEFFERY MILLER and JENNIFER  
23 MILLER, husband and wife,

Defendants.

24 Notice is hereby given that Plaintiff Exceptional Floor Covering, Inc. ("Plaintiff") has  
25 lodged with the Court its form of *Default Judgment Re: Non-Dischargeability* (the "Default  
26 Judgment). The Default Judgment is attached hereto.

27 DATED this 29<sup>th</sup> day of December, 2017.  
28

1 LANG & KLAIN, P.C.

2  
3 By: /s/ Michael W. Thal  
4 Michael W. Thal  
5 Lori A. Guner  
6 *Attorneys for Exceptional Floor Covering,*  
7 *Inc.*

8 Copy of the foregoing mailed this 29<sup>th</sup>  
9 Day of December, 2017 to:

10 Jeffery Miller  
11 Jennifer Miller  
12 20209 S. 198<sup>th</sup> St.  
13 Queen Creek, Arizona 85142  
14 *Defendants/Judgment Debtors*

15 Adam Hauf, Esq.  
16 Hauf Law, PLC  
17 8102 N. 23<sup>rd</sup> Ave.  
18 Suite E  
19 Phoenix, Arizona 85021  
20 *Attorneys for Defendant/Judgment Debtor*

21 By: /s/ Clara Wiklanski  
22  
23  
24  
25  
26  
27  
28

1 **LANG & KLAIN, P.C.**

2 8767 E. VIA DE COMMERCIO, SUITE 102  
3 SCOTTSDALE, ARIZONA 85258  
4 TELEPHONE (480) 947-1911

5 *Please e-serve filings on:*  
6 [Filing@lang-klain.com](mailto:Filing@lang-klain.com)

7 MICHAEL W. THAL, #023843  
8 [mthal@lang-klain.com](mailto:mthal@lang-klain.com) (not for e-service)  
9 LORI A. GUNER, #031646  
10 [lguner@lang-klain.com](mailto:lguner@lang-klain.com) (not for e-service)

11 *Attorneys for Exceptional Floor Covering, Inc.*

12 **IN THE UNITED STATES BANKRUPTCY COURT**  
13 **IN AND FOR THE DISTRICT OF ARIZONA**

14 In re:

15 JEFFERY MILLER and JENNIFER  
16 MILLER, husband and wife;

17 Debtors.

Chapter: 7

Case No. 2:17-bk-09097-MCW

Adv. No.: 2:17-ap-00717

**DEFAULT JUDGMENT RE: NON-  
DISCHARGEABILITY**

18 EXCEPTIONAL FLOOR COVERING,  
19 INC., an Arizona corporation,

20 Plaintiff,

21 v.

22 JEFFERY MILLER and JENNIFER  
23 MILLER, husband and wife,

24 Defendants.

25 The Court having considered Plaintiff's Application for Entry of Default, Affidavit in  
26 Support of Application for Entry of Default, Affidavit Regarding Sum Certain, and Affidavit  
27 of Service of Summons and Complaint, the Court finds that pursuant to 11 U.S.C. §  
28 523(a)(4), the debts set forth in the Final Judgment dated August 29, 2017, entered by the  
Highland Justice Court in the Maricopa County Justice Court case no. CC2016-193091RC

1 and attached hereto as *Exhibit A*, are non-dischargeable in Case No. 2:17-bk-09097-MCW  
2 and any subsequent bankruptcy cases/filings by the Debtors/Defendants Jeffery Miller and  
3 Jennifer Miller. Based on these findings, Plaintiff's Affidavit Regarding Sum Certain, and  
4 for good cause shown,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

6 1. That the debts set forth in the Final Judgment dated August 29, 2017, entered by  
7 the Highland Justice Court in the Maricopa County Justice Court case no. CC2016-  
8 193091RC, attached hereto as Exhibit A, are non-dischargeable this case, Case No. 2:17-bk-  
9 09097-MCW, and any subsequent bankruptcy cases/filings by the Debtors/Defendants  
10 Jeffery Miller and Jennifer Miller.

11 2. That Plaintiff Exceptional Floor Covering, Inc. is hereby granted judgment  
12 against Defendants Jeffery Miller and Jennifer Miller in: (a) the principal sum of \$7,947.45,  
13 (b) pre-judgment interest of \$1,552.04, (c) attorneys' fees of \$12,165.00, and (d) costs of  
14 \$947.66, pursuant to the Final Judgment attached hereto as Exhibit A.

15 3. Further, that: (a) interest on the principal sum of \$7,947.45, until paid, shall be at  
16 the rate of 18 % per annum since June 24, 2016 pursuant to A.R.S. § 32-1129.02(H), (b)  
17 post-judgment interest on the \$7,947.45, until paid in full, shall be at the rate of 10% per  
18 annum, and (c) interest on all attorneys' fees and costs at the rate of 5.25% per annum  
19 pursuant to A.R.S. § 44-1201(B) from August 29, 2017, the date of the Final Judgment, until  
20 paid in full, pursuant to the Final Judgment attached hereto as Exhibit A.

21 4. The Clerk of this Court is directed to enter this Judgment forthwith.

22 **SIGNED AND DATED ABOVE**  
23  
24  
25  
26  
27  
28

# EXHIBIT A

## EXHIBIT A



1 **LANG & KLAIN, P.C.**

2 8767 E. VIA DE COMMERIO, SUITE 102  
3 SCOTTSDALE, ARIZONA 85258  
4 TELEPHONE (480) 947-1911

5 *Please e-serve filings on:*  
6 *Filing@lang-klain.com*

7 **MICHAEL W. THAL, #023843**  
8 *mthal@lang-klain.com (not for e-service)*  
9 **LORI A. GUNER, #031646**  
10 *lguner@lang-klain.com (not for e-service)*

11 *Attorneys for Plaintiff*

12 **HIGHLAND JUSTICE COURT**

13 55 East Civic Center Dr., Suite 55, Gilbert AZ 85296 (602) 372-8300

14 **EXCEPTIONAL FLOOR COVERING,**  
15 **INC., an Arizona Corporation,**

16 **Plaintiff,**

17 **v.**

18 **SCOTTSDALE REMODELING AND**  
19 **DESIGN, LLC, an Arizona limited liability**  
20 **company, JEFFREY MILLER and JANE**  
21 **DOE MILLER, husband and wife, JACOB**  
22 **MILLER and JANE DOE MILLER,**  
23 **husband and wife,**

24 **Defendants.**

Case No. CC2016-193091RC

**FINAL JUDGMENT**

(Assigned to the Hon. Steve Urle)

25 This matter having come before the Court at the July 7, 2017 trial and the Court having  
26 considered the evidence and arguments presented therein, the Court finds:

27 1. Defendant Scottsdale Remodeling and Design ("SRD") failed to pay the  
28 legitimate invoice of Plaintiff Exceptional Floor Covering ("EFC") for labor and materials  
provided by EFC to the property located at 8245 E. Bell Rd., Unit 230, Scottsdale, Arizona  
85260, pursuant to the contract between SRD and EFC.

2. EFC has obtained default judgment against Defendants SRD and Jacob Miller.

3. EFC is entitled to judgment against Defendant Jeffrey Miller personally, pursuant  
to A.R.S. § 33-1005.

1 4. EFC is entitled to judgment in the principal amount of \$7,947.45, plus interest on  
2 the principal sum at the rate of 18% per annum since June 24, 2016 pursuant to A.R.S. § 32-  
3 1129.02(H).

4 5. EFC is the prevailing party in this action and is entitled to an award of its  
5 reasonable attorneys' fees and costs incurred in connection with this action, pursuant to  
6 A.R.S. §§ 12-341.01, 12-341, and 32-1129.02(J).

7 Based on the foregoing findings, and cause appearing therefore;

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

9 1. EFC is hereby awarded judgment against Miller pursuant to A.R.S. § 33-1005.

10 2. EFC is hereby awarded the principal amount of \$7,947.45 against Jeffrey Miller,  
11 together with prejudgment interest in the amount of \$1,552.04, which constitutes interest  
12 pursuant to A.R.S. § 32-1129.02(H) from June 24, 2016 (the eighth day following the date  
13 EFC submitted its invoice to SRD) until July 17, 2017 (the date of this filing), and post-  
14 judgment interest on the principal sum at the rate of 10% per annum until paid in full;

15 3. EFC shall have and recover its costs incurred herein in the amount of \$947.66 as  
16 against Jeffrey Miller;

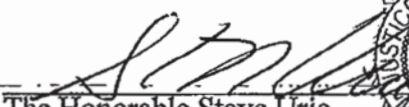
17 4. EFC shall have and recover its reasonable attorneys' fees incurred herein in the  
18 amount of 12,165<sup>50</sup> as against Jeffrey Miller;

19 5. EFC shall have and recover interest on all attorneys' fees and costs awarded  
20 herein at the rate of 5.25% per annum (which, pursuant to A.R.S. 44-1201(B) equals one  
21 percent plus the July 12, 2017 prime rate of 4.25% according to the Federal Reserve) from  
22 the date of this Judgment until paid in full; and

23 6. That no further matters remain pending and this Judgment is entered pursuant to  
24 Rule 139(a).

25 DATED this AUG 29 day of 2017, 2017.

26  
27 Copies Mailed to: ☒ Plaintiff  
28 Copies to Process Server for: ☒ Defendant  
On this date: 08/31/17 Pmt.  
By: TE Deft.

  
The Honorable Steve Urie  
Judge of the Highland Justice Court



- 2 -